

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PAUL CASTER,

Plaintiff,

v.

TRIBAR MANUFACTURING, LLC,

Defendant.

Case No. 2:20-cv-12541

Honorable Mark A. Goldsmith

Magistrate Judge Anthony P. Patti

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**JOINT MOTION TO APPROVE FLSA SETTLEMENT AND  
FOR ENTRY OF ORDER OF DISMISSAL WITH PREJUDICE**

Plaintiff Paul Caster and Defendant Tribar Manufacturing LLC (collectively the “Parties”), by and through their respective counsel, move this Honorable Court to approve the settlement of Plaintiff’s Fair Labor Standards Act (“FLSA”) claim and enter an order dismissing the case with prejudice. In support of their Joint Motion, the Parties state as follows:

1. On September 16, 2020, Plaintiff filed a one-count Complaint alleging that Tribar Manufacturing LLC (“Tribar”) misclassified him as exempt from the overtime requirements of the FLSA and failed to pay him an overtime rate of one and one-half times his regular rate of pay for all hours worked excess of forty in each week. *[ECF No. 1]*.

2. Tribar timely filed its Answer to the Complaint denying that it misclassified Plaintiff, violated the FLSA, or is otherwise liable to Plaintiff for any reason.

3. On April 12, 2020, the Parties reached a comprehensive settlement of Plaintiff’s FLSA claims, and any and all other claims that Plaintiff has or may have against Tribar.

4. Because Plaintiff’s claim in this case asserts a violation of the FLSA, approval is required either from this Court or the Department of Labor. *See* 29 U.S.C. ¶ 216. *See Snook v. Valley Ob-Gyn Clinic, P.C.* No. 14-CV-12302, 2015 WL 144400 at \*1 (E.D. Mich. Jan 12, 2015).

5. Courts approve FLSA settlement agreements where the overall terms of the settlement are fair and reasonable. *See Snook*, 2015 WL 144400 at \*1. To determine the fairness of a settlement under the FLSA, courts consider whether the agreement reflects a reasonable compromise of disputed issues. *Id.* Normally, a settlement is approved where it is the result of contentious arm’s length negotiations

undertaken in good faith by counsel, and serious questions exist such that the value of an immediate recovery outweighs the possibility of further relief after protracted and expensive litigation. *Id.* at \*2.

6. On April 22, 2021, this Court entered an Order Granting Defendant's Unopposed Motion for *In Camera* Review of Settlement Agreement. [ECF No. 18]. Consistent with this Order, the Parties have attached the proposed Settlement Agreement as a sealed exhibit for this Court's *in camera* review. [Ex. 1 – Filed Under Seal].

7. The Parties agree that the settlement, as reflected in the Settlement Agreement, is fair and reasonable. The Parties engaged in written discovery, including records reflecting Plaintiff's pay and his job duties, and evaluated the strengths and weaknesses of their respective claims and defenses.

8. This settlement was reached after several rounds of negotiations between the counsel for the Parties, while having access to evidence bearing on the Parties' best and worst-case scenarios regarding potential overtime pay liability.

9. The settlement reflects a reasonable compromise of issues in dispute, the settlement was reached in an adversarial context in which both Parties were represented by competent and experienced counsel, and the totality of the proposed settlement is fair and reasonable.

WHEREFORE, for the reasons stated above, the Parties respectfully request that this Court enter an Order Approving FLSA Settlement and an Order of Dismissal with Prejudice.

Respectfully submitted,

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Dated: June 1, 2021

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon all parties and/or attorneys of record to the above cause herein at their respective addresses as disclosed on the pleadings on June 1, 2021 via:

\_\_\_\_\_ U.S. Mail

\_\_\_\_\_ Facsimile

  X   E-filing

\_\_\_\_\_ Hand Delivery

\_\_\_\_\_ E-Mail

\_\_\_\_\_ Federal Express

s/David M. Cessante  
David M. Cessante

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**BRIEF IN SUPPORT OF JOINT MOTION TO APPROVE FLSA  
SETTLEMENT AND FOR ENTRY OF ORDER OF DISMISSAL WITH  
PREJUDICE**

For their Brief in Support, Plaintiff Paul Caster and Defendant Tribar Manufacturing, LLC (collectively the “Parties”), by and through their respective counsel, rely upon the law, facts, and arguments contained in their foregoing Joint Motion to Approve FLSA Settlement and For Entry of Order of Dismissal With Prejudice.

The Parties respectfully request that this Court enter an Order Approving FLSA Settlement [*Exhibit 1*] and enter an Order of Dismissal with Prejudice [*Exhibit 2*].

Respectfully submitted,

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